

JOINT ANTELOPE VALLEY AUTHORITY

Board Meeting

June 28, 2002

Meeting Began at: 10:05 a.m.

Meeting Ended at: 10:40 a.m.

Members Present: Allan Abbott, Christine Jackson, Glenn Johnson

Others Present: Roger Figard, Amy Cornelius, Rick Herrick, Randy Stramel, Terry Uland, Joel Pedersen, Margaret Remmenga, Jim Christo, Mike Morosin, Luann Finke, Wayne Teten, JJ Yost, Paul Zillig

Order No. 02-01 - Call Meeting to Order

Glenn Johnson called the JAVA Board meeting to order at 10:05a.m.

Order No. 02-02 - Minutes of Previous Meeting

Jackson moved to approve the minutes of the May 15, 2002 Board meeting. Abbott seconded.

AYE: Jackson, Johnson, Abbott

NAY:

Order No. 02-03 -Resolution Authorizing Appraisals, Title Work, and Relocation Studies for Antelope Creek Phase II Flood Protection Project.

Items 3 & 4 on the agenda were discussed together and presented by Joel Pedersen (attached). Tracts were identified and legal descriptions of those tracts are attached to the resolutions. At this time, these properties are not being acquired, they are in the process of being studied. The resolution concludes by asking the chairperson direct that this be accomplished and authorizes him to execute necessary documents if we need to hire appraisers to complete the studies.

Johnson clarified that the two resolutions have two separate project numbers. Pedersen concurred and added that they were also given JAVA projects numbers as well.

Abbott moved to approve Resolution # 02-0628-01 Phase II Flood Protection Project. Jackson seconded.

AYE: Jackson, Johnson, Abbott

NAY:

Order No. 02-04 Resolution Authorizing Appraisals, Title Work, and Relocation Studies for Antelope Creek Phase III Flood Protection Project.

Jackson moved to approve Resolution # 02-0628-02 Phase III Flood Protection Project, Abbott seconded.

AYE: Jackson, Johnson, Abbott

NAY:

Order No. 02-05 - Resolution to Accept the Report of Recommended Roadway Aesthetics Package to Use as Design Guidelines.

This item is not prepared yet and will be deferred until the next JAVA Board meeting. There will be a presentation associated with the discussion.

Order No. 02-06 - Resolution approving the FY 2002-2003 Budget for JAVA

Roger Figard presented a proposed draft JAVA Budget for Fiscal Year 2002-2003 (attached). The budget is divided into two sections: Operating and Capital. There are some minor changes from what the Board was shown at the last meeting Figard also reminded the Board and those listening that the City has yet to approve its Capital Improvement Program, this will be done in August 2002. Should there be any adjustments to the City's Capital Improvement Program, JAVA's budget will also need to be adjusted. Johnson indicated that the Natural Resource District is in the same situation and has yet to approve its budget, which will be done in August 2002.

Figard has had discussions with the Nebraska Department of Roads. It has been suggested that at the start of the Fiscal Year, September 1, 2002, that we close out all the planning, EIS, contracts with the consultant and community and complete an audit at that time in order to clean up the books and have everything accounted for. This would allow for a more detailed budget that shows line-items project by project.

Abbott ask if JAVA needs to re-appropriate what it had in previous years? Pedersen suggested that there be a paragraph in the Budget Resolution that states "amounts previously appropriated are carried over". Pedersen stated that the timing in the By-Laws for JAVA suggests that the Board has a tentative budget that informs the members what they need to include in their budgets. Pedersen

indicated that what the Board can do is approve the resolution as a “tentative” budget under the By-Laws. Johnson clarified that the reason this is of concern is that the JAVA Board is having to work with three different fiscal years with this project: the City, Natural Resource District and the University of Nebraska, and the Federal Government. JAVA is operating under the City’s fiscal year.

Jackson moved to approve Resolution # 02-0628-04 JAVA FY2002-2003 “Tentative” Budget, Abbott seconded.

AYE: Jackson, Johnson, Abbott

NAY:

Order No. 02-07 - Resolution Accepting Assignment of the Administration of Railroad Relocation Agreements from the City related to the Northeast Community Sports and Recreation Complex (Northeast Rec-Plex)

During the last Board meeting, the JAVA Board acknowledged agreements between the City and the Railroads. These agreements have been executed. Pedersen explained the assigning of those agreements from the City to JAVA. This takes care of two technical contracts. The City has an agreement with the Railroad Transportation District to do railroad relocation. There is railroad relocation involved in the Northeast Community Sports and Recreation Complex. Those contracts are with two parties: OL & B Railroad and McGowan Grain. The resolution approves an assignment for the project administration. JAVA will be letting the contract to include those railroad relocations. It is a cost efficiency and cost savings both in terms of contracting and administering the contract. That will allow JAVA to be the contract holder and act as owner. JAVA is doing site assembly at that property and obtaining the property. With the Board’s approval, this will go to the Mayor on behalf of the City to assign those contracts to JAVA with the approval of McGowan and OL & B Railway.

Mike Morosin brought forward some concerns about the Indemnification and the Waiver of Subrogation on the Assignment of Administration of Project Documents. Pedersen responded that the indemnification is there to avoid separate issues about insurance coverage or liability if there is loss or damage. It is not intended to waive release liability for third party claims.

Jackson moved to approve Resolution # 02-0628-05 the Assignment of the Railroad Relocation Agreement, Abbott seconded.

AYE: Jackson, Johnson, Abbott

NAY:

Order No. 02-08- Staff Reports

There were no staff reports.

Order No. 02-09 - Citizens’ Committee Reports

Randy Stramel commended the Board in working with three different budgets and fiscal years. Stramel asked for an update on the Market Study and the hiring of the Community Revitalization Consulting Team.

Stramel showed some concern that there seems to be a drop off in enthusiasm and continuity and asked the Board for a job. The Citizen’s Committee would appreciate anything that would help move things along.

Stramel also reminded the Board and those listening of the ground-breaking ceremony on Tuesday, July 2, 2002 at 30th and Leighton Street and asked that everyone attend.

Rick Herrick commented on the Market Study. He indicated that there was a Draft Market Study Report that was issued internally to the design team for review and comments. That report is scheduled to be finalized sometime in July. The RFP’s for the two planning studies are currently being reviewed and it is anticipated that they will go out to a set of selected consultants for response prior to July 15, 2002. Johnson asked for a report to be submitted for distribution.

Morosin requested that representatives from all neighborhoods in the project area be invited to speak at the Tree Planting ceremony on July 2, 2002. Johnson said he would follow up on this issue. Stramel stated that Lynn Johnson was organizing the ceremony and should be consulted with regarding any concerns.

Order No. 02-10 - Public Comments on Non-agenda Items

There were no public comments.

Meeting adjourned at 10:40a.m.